

Area Plan Commission of Tippecanoe County, Indiana

May 18, 2023
Ref. No.: 2023-100

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, Indiana 47901

CERTIFICATION

RE: **Z-2891 RAMEY MASCREEN (NB to R1):**

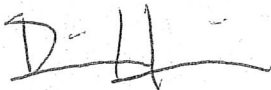
Petitioner is requesting a rezone of two lots totaling 9.52 acres in area, located on the east side of SR 43 N, south of SR 225 and west of Midnight Drive, specifically replatted Lots 3 and 4 in Mystic Woods subdivision, Tippecanoe 22 (NW) 24-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 17, 2023, the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from NB to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at its June 5, 2023 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



David Hittle
Executive Director

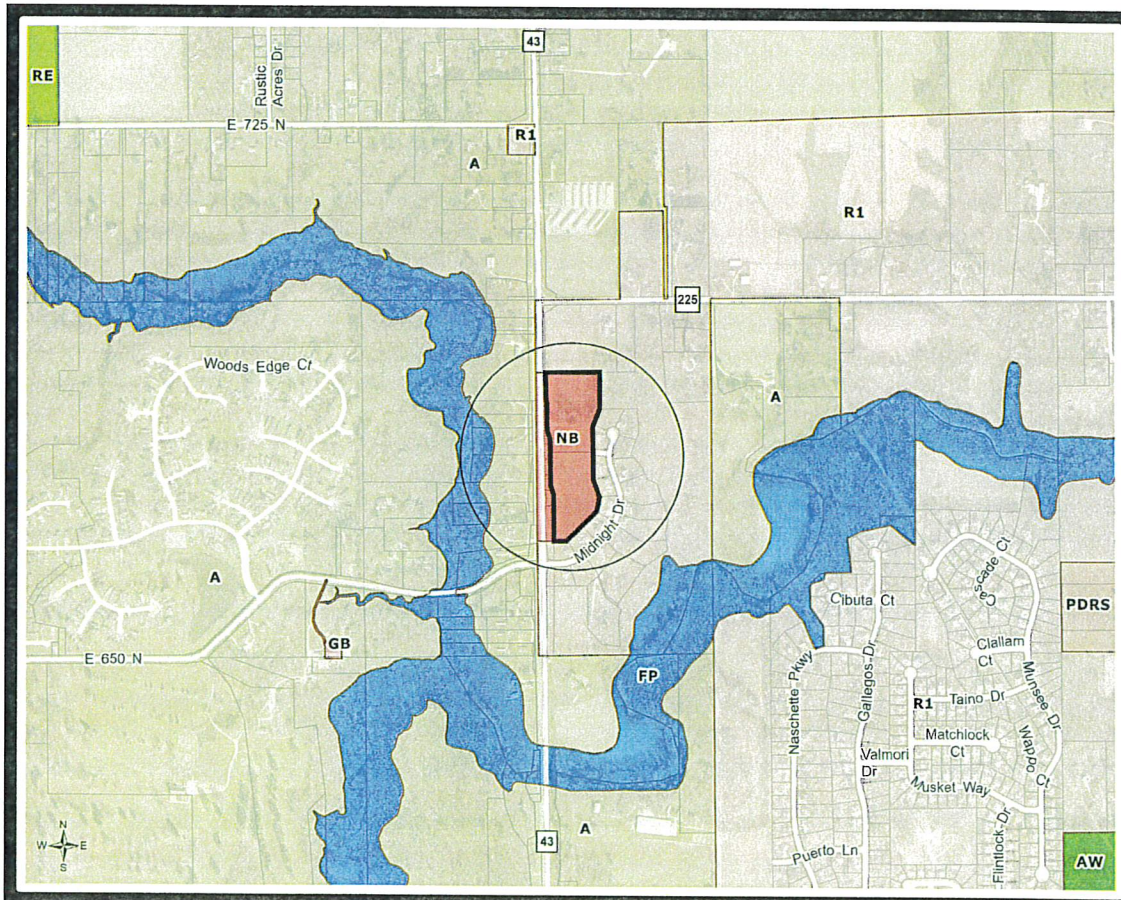
DH/kl

Enclosures: Staff Report & Ordinances

cc: Ramey Mascreen
Mike Wolf, Building Commissioner

Z-2891
RAMEY MASCREEN
(NB to R1)

STAFF REPORT
May 11, 2023



**Z-2350
RAMEY MASCREEN
NB TO R1**

**Staff Report
September 13, 200723**

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner and owner is requesting the rezoning of two lots from the Mystic Woods Subdivision, totaling 9.52 acres of land from NB to R1. Petitioner is asking for R1 zoning with the intention of either selling to a developer or subdividing and then selling to a developer. The property is located just southeast of the intersection of SR 43 North and SR 225 near Battle Ground, Tippecanoe Township 22(NW) 24-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

This land had been zoned R1 since the inception of zoning in the county and was rezoned to NB in 2007 for an Odd Fellows Hall. Land adjoining to the north, east and south is zoned R1, Single-Family Residential. Property across SR 43 to the west is zoned A, Agricultural. Flood Plain zoning associated with Burnett's Creek and its North Fork are further to the south and west.

AREA LAND USE PATTERNS:

The intent of the previous rezone in 2007 was to construct an Odd Fellows Lodge; this was never constructed, and the property remains unimproved. The property adjacent to the north (Lot 1 of the phase two replat) houses a church. The Mystic Woods subdivision is comprised of around 15 single-family dwellings. Several other single-family dwellings are located to the west across SR 43. Another existing church is located about a ¼ mile to the south.

TRAFFIC AND TRANSPORTATION:

The two lots in question have their sole access off Midnight Drive through the residential subdivision as there is a no vehicular access statement platted along SR 43, a rural primary arterial.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Well and septic will serve the site, as no public water or sewer services are available.

STAFF COMMENTS:

Petitioner is requesting R1 zoning for 9.5 acres of land north of Battle Ground to better market the land for sale. They wish to either sell to a developer or subdivide and then sell to a developer. This area has a long history of being used for single-family housing, and the existing commercial zoning approved in 2007 is out of character for this part of the county. The 1998 *Battle Ground Area Adopted Land Use Plan*, an amendment to the Comprehensive Plan, shows this area with a residential future. Staff views this rezone request as a corrective action, to bring the property back into alignment with the neighborhood and *Plan* recommendation.

Though this area of Tippecanoe Township is currently undergoing a Land Use Plan update, (and staff would normally state that any request to rezone is premature), it is easy to recommend approval for this request for several reasons. First, the adopted *Plan* supports it. Secondly, even with commercial zoning, the land never developed commercially. And finally, this property is not served by sanitary sewer and water, which has long been a policy of consideration for commercial rezone requests.

STAFF RECOMMENDATION:

Approval

ORDINANCE NO. 2023-15-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM NB TO R1

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:

Section 1: The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Tippecanoe Township, Tippecanoe County, Indiana

MYSTIC WOODS SD PH 2
REPLAT LOT 3 5.12 A

MYSTIC WOODS SD PH 2
REPLAT LOT 4 4.40 A

(Legal Description)

Section 2: The above-described real estate should be and the same is hereby rezoned from NB to R1 .

Section 3: This ordinance shall be in full force and effect from and after its adoption.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 5th day of June, 2023.

VOTE:

 4

Tracy Brown
Tracy Brown, President

 4

Thomas Murtaugh
Thomas Murtaugh, Vice President

 4

David Byers
David Byers, Member

ATTEST:

Jennifer Weston
Jennifer Weston, Auditor